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Technical assistance and capacity-building

Belgium, France,* Germany, Hungary, Ireland,* Italy,* Monaco,* Spain,* Tunisia:† draft resolution

36/... Technical assistance and capacity-building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014, 30/19 of 2 October 2015 and 33/27 of 30 September 2016,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) of 10 April 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016, 2301 (2016) of 26 July 2016 and 2339 (2017) of 27 January 2017,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African instruments on human rights to which they are parties,

Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Welcoming the holding of popular consultations and the Bangui Forum for National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main actors in

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of African States.

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the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015, the holding of legislative and presidential elections in December 2015 and February and March 2016 and the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Gravely concerned by the worsening security situation in the Central African Republic, owing to the advance of armed groups across most of the territory, and condemning in particular the recent acts of violence and crime as well as incidents that have occurred in parts of the country away from the capital, which have caused heavy civilian losses since the beginning of 2017 and have triggered massive population displacements,

Gravely concerned also by the deteriorating humanitarian situation, in particular as a result of the rise in the number of displaced persons and refugees fleeing from violence and the fact that half of the country's population, or some 2.4 million people, are in need of humanitarian aid in order to survive, and concerned by the flow of refugees and its repercussions on the situation in neighbouring countries and other countries in the region,

Noting the presentation on 5 December 2016 of a humanitarian response plan for the period 2017-2019, and concerned by the growing humanitarian needs in the Central African Republic,

Noting also the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, such as the donor conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015 and several high-level meetings held on humanitarian action in the Central African Republic, such as the African Union Solidarity Conference for the Central African Republic, held in Addis Ababa in February 2017,

Welcoming the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during that conference, and encouraging Member States to swiftly disburse those pledges,

Recalling the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary return of displaced persons and refugees and to ensure that this return is sustainable,

Gravely concerned by the serious violations and abuses of human rights and of international humanitarian law, including those involving summary executions, extrajudicial killings, arbitrary detention and arrests, enforced disappearance, the recruitment and use of children, rape and other forms of sexual violence, torture, looting, the unlawful destruction of property and other serious violations and abuses of international human rights law and international humanitarian law,

Emphasizing that those engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers will be held responsible for their acts,

Emphasizing also the urgent need to establish genuine disarmament, demobilization, reintegration and repatriation programmes as part of a comprehensive strategy for security sector reform, and welcoming the successful conduct of preliminary activities in this field,

Welcoming the efforts of the African-led International Support Mission in the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the non-operational and operational military training missions of the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, recalling that an in-depth investigation should be launched into the allegations and that those responsible for such acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for the perpetrators of such violations and abuses, and the need to bolster national mechanisms to ensure accountability of perpetrators,

Emphasizing the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and noting the decisions of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic and, on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming also the steps taken by the Government to bring the Special Criminal Court effectively into operation, including the appointment of the Special Prosecutor, the appointment of international and national judges and the launching of the selection process for the criminal investigation officers,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights abuses in the Central African Republic concluded that the main parties to the conflict had committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,[1]

Welcoming the report of the mapping project, which was prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations High Commissioner for Human Rights and which documented serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015, stressing the value of that report for future investigations and the prosecution of cases before the Special Criminal Court and for the establishment of transitional justice arrangements, and deeply concerned by the findings of that report, including serious violations of human rights and of international humanitarian law, some of which may constitute crimes under international law,

1. *Strongly condemns* the violations of human rights and of international humanitarian law and the human rights abuses associated with the resurgence of attacks by the various armed groups, including killings, acts of torture and inhuman and degrading treatment, sexual violence, abductions, deprivation of liberty and arbitrary arrest, extortion and looting, the recruitment and use of children, the occupation of schools and health centres and attacks on them and denial of humanitarian assistance, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

[1] See S/2014/928.

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, against humanitarian workers and supplies and against United Nations staff;

3. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict adherence to all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

4. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in the Central African Republic[1] and of the recommendations contained therein;

5. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

6. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement a proactive and assertive approach in the protection of civilians, as enshrined in its mandate, and also encourages it to lend the necessary assistance to the Central African authorities so that the Special Criminal Court may begin its work without delay;

7. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures in order to ensure full respect of the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and calls upon troop-contributing countries and international forces under the mandate of the Security Council to take appropriate measures to prevent any and all acts of sexual exploitation and abuse and to prevent impunity among their personnel;

8. *Calls upon* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary for the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

9. *Urges* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union Military Training Mission in the Central African Republic, to adopt and implement a national security policy and a comprehensive strategy for the reform of the security sector, including prior human rights verification procedures by defence and security forces;

10. *Deplores* the increasing recruitment and use of children by armed groups as combatants, human shields, domestic workers or sex slaves, as well as the abduction of children, urges armed groups to release children from their ranks and to put an end to and prevent future recruitment and use of children, and, in this regard, calls on them to honour the commitments assumed by several of them on 5 May 2015;

11. *Encourages* the Government to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

12. *Urges* all parties to protect and to consider as victims those children who have been released or otherwise separated from armed forces and armed groups, and emphasizes the need to pay particular attention to the protection, release and reintegration of all children associated with the armed forces and armed groups;

[1] A/HRC/36/64.

13. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary steps to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

14. *Notes* the decision of the Central African authorities in June 2014 to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction, and welcomes in that regard the opening in September 2014 of an investigation by the Court essentially into war crimes and crimes against humanity committed since 1 August 2012;

15. *Welcomes* the efforts by the Central African authorities to establish within the national judicial system the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government to take all the measures necessary to ensure the effective implementation and operational capability of the Court as promptly as possible, with support from the international community, and to cooperate with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

16. *Requests* the authorities of the Central African Republic to take immediate and concrete priority measures to strengthen the judiciary and to fight impunity in order to contribute to stabilization and reconciliation, including by restoring administration of the judiciary and by strengthening the criminal justice system and the penitentiary system such that judicial authorities are effectively present throughout the country, ensuring that everyone has access to fair and impartial justice;

17. *Also requests* the authorities of the Central African Republic to continue their efforts to restore the effective authority of the State over the entire country, including through the redeployment of State administration in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance;

18. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the Central African authorities for the conduct of the above-mentioned reforms and the restoration of State authority throughout the country;

19. *Urges* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, including the establishment of a truth, justice, reparation and reconciliation commission, and encourages them to define a road map for transitional justice adopting an inclusive approach likely to allow genuine and lasting reconciliation, including by supporting civil society actors working for conflict prevention and resolution, reconciliation and human rights;

20. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

21. *Calls upon* the national authorities to continue their efforts to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

22. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgencies and priorities identified by the Central African Republic, in particular financial and technical support, and to pay the costs for psychotrauma treatment of people affected by the crisis;

23. *Requests* all parties to facilitate rapid access for humanitarian aid and humanitarian workers to the entire national territory by strengthening security on the roads;

24. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial

institutions and other international organizations concerned and donors to provide the Central African Republic with technical assistance and capacity-building in order to promote respect for human rights and to undertake reform of the justice and security sectors;

25. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

26. *Decides to renew*, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

27. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

28. *Decides* to organize, at its thirty-seventh session, a high-level interactive dialogue to assess the evolution of the human rights situation on the ground, placing special emphasis on the impact of peace and reconciliation efforts on human rights, with the participation of the Independent Expert, representatives of the Government of the Central African Republic, the United Nations, the African Union and civil society;

29. *Requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

30. *Also requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its thirty-eighth session and to submit a written report to the Council at its thirty-ninth session;

31. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all financial and human resources necessary to enable her to carry out fully her mandate;

32. *Decides* to remain seized of the matter.